IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5140 OF 1999

1. Ananda Narayan alias Yadu
   Amrale.

2. Pandurang Narayan alias Yadu
   Amrale

3. Smt. Chandrabhaga Yadu Amrale,

   All r/o. Kanheri, Taluka,
   Khandala, Dist. Satara.

4. Smt. Tai Sitaram Kasurde,
   R/o. 193/4 Asaram Shet Chawl,
   Solapur Road, Old Kurla,
   Mumbai 400 070.

5. Smt. Yamuna Shivaji Vhaval,
   R/o. Ramnagar Post Khed,
   Shivapur, Taluka Haveli,
   Dist. Pune.

6. Smt. Rukhmini VIthal Chan-
   danshive, R/o. Kiwat,
   Post. Sindh, Taluka Bhor,
   District Pune. ...Petitioners.

Versus

1. Vasudeo Atmaram Gosavi,
   R/o. Kanheri, Tq. Khandala,
   Dist. Satara, Trustee of
   Shriram Samarth Vasudeo
   Deosthan Trust.

2. Purshottam Balkrishna Gosavi,
   (since deceased) through legal
   heirs Somnath Purshottam
   Gosavi R/o. Kanheri
   Tq. Khandala, Dist. Satara. ...Respondents.

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Mr. L.S. Gaikwad, counsel for Petitioners

Ms. Smita Mane h/f Prafulla B. Shah, counsel for Respondents.

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CORAM: B. H. MARLAPALLE, J.

DATED: 26TH APRIL, 2005

JUDGMENT:-

1. Heard the learned counsel for the parties.

2. In this petition, filed under Article 227 of the Constitution, the order passed by the Maharashtra Revenue Tribunal at Pune in Revision Application No. TNCB 255 of 1995 on 10.8.1998 has been challenged. The revision was allowed by setting aside the order passed by the S.D.O. in Tenancy Appeal No. 14 of 1994 on 31.3.1995. By the said order the S.D.O. had held that the petitioner was the tenant. In the impugned order the Tribunal has mainly emphasised on the exemption certificate issued under Section 88-B of the Bombay Tenancy and Agricultural Lands Act, 1948 in favour of the respondents. In addition, it has also been noted that the suit land is the property of the respondent Trust and therefore, there was no occasion for the landlord-tenant relationship to exist. For the reasons set out in the judgment rendered today in writ petition No.2200 of 1991, the reasoning given by the Tribunal in support of the impugned order is unsustainable and therefore, the said order suffers from manifest errors calling for correction in the supervisory powers of this Court. In writ petition No.2200 of 1991 exemption

certificate under Section 88-B of the Bombay Tenancy and Agricultural Lands Act has been directed to be set aside and it has been held that the suit property was not the property of the respondent Trust as on 1.4.1957.

3. Hence, this petition succeeds and the same is hereby allowed. The impugned order dated 10.8.1998 passed by the Maharashtra Revenue Tribunal is hereby quashed and set aside.

4. Rule made absolute with no order as to costs.

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